

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DANIEL RICHARDSON,

Plaintiff,

v.

U.S. GOVERNMENT, et al.,

Defendants.

3:17-CV-757
(JUDGE MARIANI)

FILED
SCRANTON

JUN 22 2017

PER [Signature]
DEPUTY CLERK


ORDER

AND NOW, THIS 22nd DAY OF JUNE, 2017, upon *de novo* review of Magistrate Judge Mehalchick's Report and Recommendation, (Doc.6), and Plaintiff's objections thereto, (Doc. 7), **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation ("R&R"), (Doc. 6), is **ADOPTED** for the reason stated therein and for the reasons that follow. In addition to the reasons outlined in the R&R, Plaintiff's Complaint is subject to dismissal as frivolous. "[A] court may dismiss a claim as factually frivolous only if the facts alleged are clearly baseless, a category encompassing allegations that are fanciful, fantastic, and delusional. *Denton v. Hernandez*, 504 U.S. 25, 32-33, 112 S. Ct. 1728, 118 L. Ed. 2d 340 (1992) (internal citations and quotation marks omitted). "As those words suggest, a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them." *Id.* at 33. Plaintiff's Complaint alleges that, for nearly two years, he has been followed wherever he goes by federal agents. (Doc. 1 at 4).

Plaintiff alleges that, "there are 25-30 vehicles, mostly each containing 2 agents following plaintiff at anytime," and that they "sandwich him in and follow him to wherever he goes." (*Id.*). Plaintiff also alleges that when he is on foot, fifteen to twenty agents surround him and make "arbitrary and aggressive movements towards him" until Plaintiff reacts, at which point "they convey smiles to each other and wait, eyeballing him vigorously." (*Id.* at 5). These allegations are fanciful, wholly incredible, and taken together, present claims utterly lacking in plausibility.

2. Plaintiff's objections, (Doc. 7), are **OVERRULED**.
3. Plaintiff's Complaint, (Doc. 1), is **DISMISSED WITH PREJUDICE** for failing to state a claim and as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(ii).
4. The Clerk of the Court is directed to **CLOSE** this case.



Robert D. Mariani
United States District Judge